

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

16 May 2000 (16.05.00)

International application No.

PCT/GB99/03196

Applicant's or agent's file reference

JDM/P401473WO

International filing date (day/month/year)

24 September 1999 (24.09.99)

Priority date (day/month/year)

25 September 1998 (25.09.98)

Applicant

WHITTLE, Brian, Anthony

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

20 April 2000 (20.04.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

S. Mafla

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

STRATAGEM IPM LIMITED
106 Birkenhead Road
Meols
Wirral
CH47 0LE
ROYAUME-UNI

Date of mailing (day/month/year) 09 January 2001 (09.01.01)	
Applicant's or agent's file reference JDM/P401473WO	IMPORTANT NOTIFICATION
International application No. PCT/GB99/03196	International filing date (day/month/year) 24 September 1999 (24.09.99)

1. The following indications appeared on record concerning: <input type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input checked="" type="checkbox"/> the agent <input type="checkbox"/> the common representative		
Name and Address W.P. THOMPSON & CO. Coopers Building Church Street Liverpool L1 3AB United Kingdom	State of Nationality	State of Residence
	Telephone No. 44 151 709 3961	
	Facsimile No. 44 151 709 0162	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input checked="" type="checkbox"/> the person <input type="checkbox"/> the name <input type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence		
Name and Address STRATAGEM IPM LIMITED 106 Birkenhead Road Meols Wirral CH47 0LE United Kingdom	State of Nationality	State of Residence
	Telephone No. 0151 632 2456	
	Facsimile No. 0870 164 3865	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the International Preliminary Examining Authority </div> <div> <input type="checkbox"/> the designated Offices concerned <input checked="" type="checkbox"/> the elected Offices concerned <input type="checkbox"/> other: </div> </div>		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer <div style="text-align: center;">Ning Xu</div> Telephone No.: (41-22) 338.83.38
--	--

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ EUROPEAN PATENT OFFICE

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only		
Identification of IPEA		Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		Applicant's or agent's file reference JDM/P401473W0
International application No. PCT/GB99/03196	International filing date (day/month/year) 24 SEPTEMBER 1999	(Earliest) Priority date (day/month/year) 25 SEPTEMBER 1998
Title of invention NUTRITIONAL AND PHARMACEUTICAL COMPOSITIONS		
Box No. II APPLICANT(S)		
Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.) WHITTLE, BRIAN ANTHONY, "MERE CLOSE", HULL ROAD, HORNSEA, EAST YORKSHIRE, HU18 1RJ, UNITED KINGDOM		Telephone No.: Facsimile No.: Teleprinter No.:
State (that is, country) of nationality: UNITED KINGDOM (GB)		State (that is, country) of residence: UNITED KINGDOM (GB)
Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.)		
State (that is, country) of nationality:		State (that is, country) of residence:
Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.)		
State (that is, country) of nationality:		State (that is, country) of residence:
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.		

Sheet No. 2.

International application No.
PCT/GB99/03196**Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**

The following person is ☒ agent ☐ common representative
 and ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.
☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

W.P. THOMPSON & CO.,
 COOPERS BUILDING,
 CHURCH STREET,
 LIVERPOOL, L1 3AB.

Telephone No.:

0151 709 3961

Facsimile No.:

0151 709 0162

Teleprinter No.:

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION

Statement concerning amendments:*

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filed

the description ☐ as originally filed
☐ as amended under Article 34

the claims ☐ as originally filed
☐ as amended under Article 19 (together with any accompanying statement)
☐ as amended under Article 34

the drawings ☐ as originally filed
☐ as amended under Article 34

2. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: ENGLISH

☒ which is the language in which the international application was filed.
☐ which is the language of a translation furnished for the purposes of international search.
☐ which is the language of publication of the international application.
☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The applicant hereby elects all eligible States (that is, all States which have been designated and which are bound by Chapter II of the PCT)

excluding the following States which the applicant wishes not to elect:

Sheet No. 3.

International application No.
PCT/GB99/03196

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|----------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | 1 sheets |
| 6. other (specify) | : | sheets |

For International Preliminary
Examining Authority use only

received not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>


The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 4. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> separate signed power of attorney | 5. <input type="checkbox"/> nucleotide and/or amino acid sequence listing in computer readable form |
| 3. <input type="checkbox"/> copy of general power of attorney, reference number, if any: | 6. <input checked="" type="checkbox"/> other (specify): TELEX COPY |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).


W.P. THOMPSON & CO.
ASSOCIATION NO. 105


McCALL, JOHN DOUGLAS
PROFESSIONAL REPRESENTATIVE
BEFORE THE EPO

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

☐ The applicant has been informed accordingly.

4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA n:

PCT

CHAPTER II

FEE CALCULATION SHEET

Annex to the Demand for international preliminary examination

International application No. PCT/GB99/03196	For International Preliminary Examining Authority use only
Applicant's or agent's file reference JDM/P401473WO	Date stamp of the IPEA
Applicant <div style="text-align: center; font-weight: bold;">WHITTLE, BRIAN ANTHONY</div>	
Calculation of prescribed fees	
1. Preliminary examination fee	EURO 1533 P
2. Handling fee <i>(Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.)</i>	EURO 147 H
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	<div style="border: 1px solid black; padding: 5px;"> EURO 1680 TOTAL </div>
Modes of Payment	
<input checked="" type="checkbox"/> authorization to charge deposit account with the IPEA (see below)	<input type="checkbox"/> cash
<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps
<input type="checkbox"/> postal money order	<input type="checkbox"/> coupons
<input type="checkbox"/> bank draft	<input checked="" type="checkbox"/> other (specify): SEE COPY TELEX PAYMENT
Deposit Account Authorization <i>(this mode of payment may not be available at all IPEAs)</i>	
The IPEA/ <u>EPO</u> <input type="checkbox"/> is hereby authorized to charge the total fees indicated above to my deposit account.	
<input checked="" type="checkbox"/> <i>(this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit)</i> is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.	
2805-0010	20TH APRIL, 2000
Deposit Account Number	Date (day/month/year)
Signature J. D. McCALL	

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference JDM/P401473WO	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 99/ 03196	International filing date (day/month/year) 24/09/1999	(Earliest) Priority Date (day/month/year) 25/09/1998
Applicant WHITTLE, Brian, Anthony		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

NUTRITIONAL AND PHARMACEUTICAL COMPOSITIONS

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/03196

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L2/39 A23L2/44 A61K33/06 A61K33/32 A61K47/02
A23L2/40

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	WO 96 22704 A (TAKAICHI) 1 August 1996 (1996-08-01) page 2, line 18 - line 24 page 3, line 9 - line 16 page 6, line 11 - line 15 example A claims 1,2,5 ---	1,2,4, 9-11 7
X	US 2 297 599 A (WILLEN) 29 September 1942 (1942-09-29) examples 1-3 ---	1,2,5,6, 11
X A	DE 38 26 903 A (WILLHELM) 15 February 1990 (1990-02-15) column 3, line 15 - line 23 claims 1,4,5,8,10,11 ---	1,2,4,5, 10,11 3,7
	--- -/--	



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

12 January 2000

Date of mailing of the international search report

28/01/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Lepretre, F

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/03196

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 040 654 A (VITAPHARM PHARMACEUTICAL PTY LTD.) 2 December 1981 (1981-12-02) claims 9,10; examples ---	1,2,5,9, 11
X	WO 94 20077 A (BÉRES RÉSZVENYTÁRSASÁG) 15 September 1994 (1994-09-15)	9,11
A	page 3, line 23 - line 31 page 7, line 16 - line 24 claims 1,6,7 ---	1,6,7
A	PATENT ABSTRACTS OF JAPAN vol. 008, no. 003 (C-203) & JP 58 170464 A (NISSAN KAGAKU) abstract ---	2-5,10
A	EP 0 400 460 A (SAKASI CHEMICALS) 5 December 1990 (1990-12-05) claim 1 -----	2-5,10

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 99/03196

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9622704	A	01-08-1996	JP 8196247 A AU 691717 B AU 4459496 A CA 2185345 A CN 1145578 A EP 0751718 A	06-08-1996 21-05-1998 14-08-1996 01-08-1996 19-03-1997 08-01-1997
US 2297599	A	29-09-1942	NONE	
DE 3826903	A	15-02-1990	NONE	
EP 40654	A	02-12-1981	NONE	
WO 9420077	A	15-09-1994	HU 72423 A AT 175869 T AU 6385394 A BG 99893 A CA 2157295 A CN 1118988 A CZ 9502309 A DE 69416115 D DE 69416115 T EP 0688208 A JP 8509962 T LV 11003 A LV 11003 B PL 310436 A RO 112578 A SK 110895 A US 5707654 A	29-04-1996 15-02-1999 26-09-1994 29-03-1996 15-09-1994 20-03-1996 13-12-1995 04-03-1999 09-09-1999 27-12-1995 22-10-1996 20-02-1996 20-06-1996 11-12-1995 28-11-1997 06-12-1995 13-01-1998
JP 58170464	A	07-10-1983	NONE	
EP 400460	A	05-12-1990	JP 1863390 C JP 3277659 A JP 5071628 B JP 2074266 C JP 3109917 A JP 7096092 B DE 69018312 D DE 69018312 T US 5078909 A JP 2031315 C JP 3109916 A JP 7053222 B	08-08-1994 09-12-1991 07-10-1993 25-07-1996 09-05-1991 18-10-1995 11-05-1995 14-12-1995 07-01-1992 19-03-1996 09-05-1991 07-06-1995

ATENT COOPERATION TREATY

REC'D 11 JAN 2001

WIPO

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JDM/P401473WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB99/03196	International filing date (day/month/year) 24/09/1999	Priority date (day/month/year) 25/09/1998
International Patent Classification (IPC) or national classification and IPC A23L2/39		
Applicant WHITTLE, Brian, Anthony		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20/04/2000	Date of completion of this report 05.01.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Lepretre, F Telephone No. +31 70 340 2994 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03196

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

1-16 as originally filed

Claims, No.:

1-11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03196

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3,7,8
	No:	Claims	1,2,4-6,9-11
Inventive step (IS)	Yes:	Claims	3,7,8
	No:	Claims	1,2,4-6,9-11
Industrial applicability (IA)	Yes:	Claims	1-11
	No:	Claims	

2. Citations and explanations see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03196

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: WO 96/22704 A

D2: US 2 297 599 A

D3: DE 38 26 903 A

D4: EP 0 040 654 A

D5: WO 94/20047 A

1) Novelty (Article 33(2) PCT)

1.2) D1 discloses a nutritional composition, comprising one or more water containing compounds (see page 1, lines 18-20, example A and page 3, lines 9-16), and wherein CaO is mixed in an amount capable of sequestering any water, to provide a desiccant effect. The CaO is present in an amount of 0.02-2 % by weight. The composition also comprises an acid (see example A, ascorbic-acid). The composition is manufactured by mixing the ingredients in a traditional way (see page 6, line 24-page 7, line 2), without special low humidity conditions as exemplified in the preparation examples (see e.g. page 11, lines 3-7).

The subject-matter of claims 1,2,4 and 9-11 is therefore not novel over D1.

1.2) D2 discloses a nutritional composition in the form of a two layered tablet comprising one or more water-containing compounds and an anhydrous compound (see example 2, only magnesium sulfate is dried). The amount of magnesium sulfate in the outer portion of the tablet is ca. 10 % by weight. The composition also comprises an effervescent base, which contains a carbonate and an acid (see example 2, citric acid and sodium carbonate).

The mixture prepared for the outer layer contains magnesium sulfate in an amount capable of sequestering any water. The subject matter of claims 1,2,5,6 and 11 is therefore not novel over D2.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03196

1.3) D3 discloses a nutritional composition (a salt), in which the magnesium compounds can be added in anhydrous form for sequestering water in the composition which can be bounded water or picked up environmental moisture, see column 3, lines 15-23. The magnesium compound can be $\text{MgO} \cdot \text{CaO}$ or MgSO_4 (see claim 5) in hydrated or anhydrous form (see claim 8). The Mg compound is present in an amount of from 0.75 to 5 % by weight (see column 3, lines 40-44). The subject matter of claims 1,2,4,5,10 and 11 is not novel over D3.

1.4) D4 discloses an electrolyte drink concentrate comprising anhydrous magnesium sulfate (ca 5 % by weight, see example), and ascorbic and citric acid. The subject matter of claims 1,2,5,9 and 11 is therefore not novel over D4.

1.5) D5 discloses effervescent tablets that comprise mannitol and an acid. The mannitol is anhydrous (see page 3, lines 23-31 and page 7, line 16-24, and claims 1,6 and 7).

Further, D5 discloses a method for the preparation of such a tablet by admixing the ingredients together under a normal processing conditions (see passages already cited above)

The subject matter of claims 1,9 and 11 is not novel over D5.

2) Inventive step (Article 33(3) PCT).

D5 disclosing an effervescent containing an acid, a carbonate and an anhydrous compound (mannitol, see claim 6) and document D1 are regarded as the closest prior art in relation with the description of the problem underlying the present invention (i.e. preparing an effervescent mix containing carbonate and preventing hydration so as to increase stability).

The combination of the features of dependent claims 3,7 and 8 is neither disclosed by D1 nor by D5.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03196

Re Item VII

Certain defects in the international application

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D5 is not mentioned in the description, nor are these documents identified therein.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/GB 99/03196

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L2/39 A23L2/44 A61K33/06 A61K33/32 A61K47/02
A23L2/40

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A23L A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	WO 96 22704 A (TAKAICHI) 1 August 1996 (1996-08-01) page 2, line 18 - line 24 page 3, line 9 - line 16 page 6, line 11 - line 15 example A claims 1,2,5	1,2,4, 9-11 7
X	US 2 297 599 A (WILLEN) 29 September 1942 (1942-09-29) examples 1-3	1,2,5,6, 11
X A	DE 38 26 903 A (WILLHELM) 15 February 1990 (1990-02-15) column 3, line 15 - line 23 claims 1,4,5,8,10,11	1,2,4,5, 10,11 3,7
	-/-	-

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the International filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the International filing date but later than the priority date claimed

- "T" later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the International search

12 January 2000

Date of mailing of the International search report

28/01/2000

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INTERNATIONAL SEARCH REPORT

International Application No
PCT/GB 99/03196

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 040 654 A (VITAPHARM PHARMACEUTICAL PTY LTD.) 2 December 1981 (1981-12-02) claims 9,10; examples	1,2,5,9, 11
X	WO 94 20077 A (BÉRES RÉSZVÉNYTÁRSASÁG) 15 September 1994 (1994-09-15)	9,11
A	page 3, line 23 - line 31 page 7, line 16 - line 24 claims 1,6,7	1,6,7
A	PATENT ABSTRACTS OF JAPAN vol. 008, no. 003 (C-203) & JP 58 170464 A (NISSAN KAGAKU) abstract	2-5,10
A	EP 0 400 460 A (SAKASI CHEMICALS) 5 December 1990 (1990-12-05) claim 1	2-5,10

09787806-042601

INTERNATIONAL SEARCH REPORT

Information on patent family members

In. International Application No
PCT/GB 99/03196

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9622704 A	01-08-1996	JP 8196247 A AU 691717 B AU 4459496 A CA 2185345 A CN 1145578 A EP 0751718 A	06-08-1996 21-05-1998 14-08-1996 01-08-1996 19-03-1997 08-01-1997
US 2297599 A	29-09-1942	NONE	
DE 3826903 A	15-02-1990	NONE	
EP 40654 A	02-12-1981	NONE	
WO 9420077 A	15-09-1994	HU 72423 A AT 175869 T AU 6385394 A BG 99893 A CA 2157295 A CN 1118988 A CZ 9502309 A DE 69416115 D DE 69416115 T EP 0688208 A JP 8509962 T LV 11003 A LV 11003 B PL 310436 A RO 112578 A SK 110895 A US 5707654 A	29-04-1996 15-02-1999 26-09-1994 29-03-1996 15-09-1994 20-03-1996 13-12-1995 04-03-1999 09-09-1999 27-12-1995 22-10-1996 20-02-1996 20-06-1996 11-12-1995 28-11-1997 06-12-1995 13-01-1998
JP 58170464 A	07-10-1983	NONE	
EP 400460 A	05-12-1990	JP 1863390 C JP 3277659 A JP 5071628 B JP 2074266 C JP 3109917 A JP 7096092 B DE 69018312 D DE 69018312 T US 5078909 A JP 2031315 C JP 3109916 A JP 7053222 B	08-08-1994 09-12-1991 07-10-1993 25-07-1996 09-05-1991 18-10-1995 11-05-1995 14-12-1995 07-01-1992 19-03-1996 09-05-1991 07-06-1995

Table 1

	Specimen oil 1	Specimen oil 2	Specimen oil 3	Compara- tive oil 1	Compara- tive oil 2
Viscosity (mm ² /s) at 100°C	2.4	5.0	10.5	1.0	12.3
Compatibility with re- frigerant High temperatur 2-phase separation temperature • Oil percentage : 10 wt %	110°C or more	95°C	100°C	110°C or more	Separat- ed at room tempera- ture
• Oil percentage : 3 wt %	110 °C or more	100°C	- 105°C	110°C or more	Separat- ed at room tempera- ture
Low temperature 2-phase separation temperature • Oil percentage : 10 wt %	- 40°C or less	- 20°C	- 40°C or less	- 40°C or less	Separat- ed at room tempera- ture
Hygroscopic property (Moisture %)					
7 days	0.04	0.06	0.09	0.02	-
14 days	0.08	0.10	0.17	0.05	-
21 days	0.13	0.16	0.27	0.10	-
28 days	0.17	0.22	0.32	0.13	-
Thermal stability 140°C × 24 hr Evaporation loss	Low	Low	Low	High	Low